3. The Cochin Excess Profits tax Act (Amendment) Bill

Mr. M. Sivarama Menon *(Advocate-General):* I beg to move that the Cochin Excess Profits Tax Act (Amendment) Bill be taken up and finally passed.

Mr. C. J. Mathew *(Joint Secretary to Government):* I second it.

Motion put and carried

4. The Cochin Verumpattamdars Bill

Mr. A. Madhava Prabhu *(Diwan Peishkar):* I beg to move that the Cochin Verumpattamdars Bill, † as amended by the Select Committee be taken up for consideration. In doing so, I would like to point out the salient changes that have been effected when the Bill went through the sittings of the Select Committee. Certain definite terms which were not defined in the original Bill have now been defined. Chief among them is the definition of what is called a *kudikidappukaran*. This is a term which has given rise to a number of decisions in the High Court and therefore it was thought necessary that this should be more or less clearly defined. And that is the reason why we have got a definition of the term in the Bill now.

Then, with reference to the exemption of taking away from the purview of the Act, lands within municipal limits. The reason for doing this is obvious. Garden lands not used for paddy cultivation within the municipal areas have risen in price, not due to the rise in price of agricultural commodities. They are not mainly used for agricultural purposes. They come under either holdings for commercial purposes, or holdings for industrial or residential purposes. They have got in towns a particular value which does not depend upon the value of the produce of agricultural lands. That is the reason why they have been taken away from the purview of this Act. Then in Chittur taluk, there is a peculiar kind of tenure called *tharikuthu* tenure. That is also brought under legislation with certain specific rights and liabilities for the landlord and the tenant. Again, there is one point which is likely to give rise to controversy. And that is this. In this Bill no provision has been made for taking back lands belonging to the lessor, if the lessor or any member of his family wants them for self cultivation. Such a provision is found in the Malabar Tenancy Act. But it has given rise to a lot of complaints and the working of it has been more or less abused than properly used. Therefore the committee thought that that provision should not be introduced here. There was a move from some quarters that it should be introduced. The reason for urging that provision to be introduced here is this. The landlord class who could get more appointments in government service before the Staff Selection Board was formed, is classed along with others now and they get only a proportionate share of appointments now. Those who come out of the Universities and are without any occupation, would like to go back to their own lands. That was the idea with which this motion was urged. It sounds all right so far as the ground that is put forward is concerned. But in the working of it where it was tried, it was found more abused than rightly used. Therefore the Select Committee thought that except in cases when land would be necessary for constructing houses for oneself or members of one's own family no provision for eviction should be retained. After partition, there may not be sufficient accommodation in one's own house and one would like to build a residence for himself. In such cases it was thought that there should be a clause which would enable a person who would require to get back his own land for purposes of a building. A provision had to be introduced enabling that thing to be done and that has been done. Even here it has been provided that if a tenant lives in a plot and if that plot cannot be taken back without disturbing his residence there, in such cases the landlord will not get that land. These are the main features of the Bill. I submit that the Bill as modified by the Select Committee be taken into consideration.

*Mr. M. Sivarama Menon *(Advocate-General):* I second this motion. In doing so, I wish to make certain observations on the Bill itself. This House has undoubtedly accepted the principles involved in the Bill as tabled by Government. But in considering the various amendments that have been placed before this House by the Government as well as the non-official members. Certain considerations have to be borne in mind. Government have come to the conclusion after mature consideration that this is not an expropriatory piece of legislation. We are assuring the landlord the rent that is due to him. The investment in the land is sought to be compensated by the return that he gets in the shape of rent. Government have not got the least idea to expropriate anyone's

† Appendix II.

*Speech not corrected by the hon'ble member.

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